

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-------------------------|---|-----------------------------------|
| WILLIAM LENZ, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. 05-248 |
| |) | Judge Terrence F. McVerry/ |
| JOHN N. ROBINSON, M.D., |) | Magistrate Judge Amy Reynolds Hay |
| Defendant |) | |

ORDER

AND NOW this 10th day of May, 2006, after the plaintiff, William Lenz, filed an action in the above-captioned case, and after an answer and Motion for Judgment of Non Pros or, in the alternative, Motion to Dismiss was submitted by the defendant, John N. Robinson, M.D., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto and defendant having filed objections, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendant's Motion for Judgment of Non Pros or, in the alternative, Motion to Dismiss [Docket Entry 13] is DENIED.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: William Lenz
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